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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KAMALIHA Y. BREWSTER; CORRINE FALK;
DREW GORDON; MICHELE C. GRAYSON;
TIMOTHY L. JACKSON; MEHMET KILIC; ANN E.
LARKIN; SANDRA M. LOGAN; DARYL K.
NAKAMURA; DENA D. PINA; MONICA L.
SAENZ; SHELLY M. TARVAN; DIANE M.
VALENTINO; JOHN W. WILHELM,

Plaintiffs,

v.

PFIZER INC., and WARNER-LAMBERT
COMPANY,

Defendants.

CASE NO. 2:06-cv-00529-PMP-GWF

**MOTION TO WITHDRAW AS
COUNSEL FOR PLAINTIFFS**

MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR PLAINTIFFS

Pursuant to LR IA 10-6, NRPC 1.16 (B)(1)(7) and SCR 46, Justin G. Randall, Esq., of Glen Lerner Injury Attorneys, moves the Court for an Order allowing Glen Lerner Injury Attorneys ("the Firm") to withdraw as counsel of record for Plaintiffs.

This motion is based on the following memorandum of points and authorities, the attached Declaration of Justin G. Randall, Esq., and any oral argument to be heard on this matter.

GLEN LERNER INJURY ATTORNEYS

By: /s/ Justin G. Randall
Justin G. Randall, Esq.
Nevada Bar No. 12476
4795 South Durango Drive
Las Vegas, Nevada 89147
Attorneys for Plaintiffs

MEMORANDUM OF POINTS AND AUTHORITIES

I.

LEGAL ARGUMENT

Local Rule IA 10-6(b)(d)(e) provides in pertinent part:

(b) No attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel.

...

(d) Discharge, withdrawal or substitution of an attorney shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in the case.

(e) Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result. Where delay would result, the papers seeking leave of court for the withdrawal or substitution must request specific relief from the scheduled trial or hearing. If a trial setting has been made, an additional copy of the moving papers shall be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge or magistrate judge.

Opposing counsel will receive notice of this Motion to Withdraw via the CM/ECF system, pursuant to the certificate of service attached herein. Plaintiffs will receive notice of this Motion to Withdraw via First class, U.S. Mail, postage prepaid, and addressed according to the certificate of service attached herein. Further, no delay or prejudice of any kind will result from Glen Lerner Injury Attorneys withdrawal, as there are no presently scheduled hearings or impending deadlines.

NRPC 1.16 (B)(1)(7) provides in pertinent part:

(b) ...a lawyer may withdraw from representing a client if:

(1) Withdrawal can be accomplished without material adverse effect on the interests of the client;

...

(7) Other good cause for withdrawal exists.

SCR 46 provides in pertinent part:

The attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows:

- 1 1. Upon consent of the attorney, approved by the client.
- 2 2. Upon the order of the court of judge thereof on the application of the
- 3 attorney or the client....

4 Here, Plaintiffs and the Firm have reached a substantial impasse in which it is no longer feasible for
5 the Firm to represent the interests of Plaintiffs in this matter. *See*, Declaration of Justin G. Randall, attached
6 as Exhibit 1. Therefore, the Firm requests that it be allowed to withdraw as counsel of record.

7 Plaintiffs may be served with notice(s) of future proceedings in this case, once the Motion to
8 Withdrawal is granted, at the addresses (and/or telephone numbers) listed on the certificate of service.

9
10 II.

11 **CONCLUSION**

12 For the reasons set forth above, Glen Lerner Injury Attorneys respectfully moves this Court to enter
13 an Order approving the withdrawal of Glen Lerner Injury Attorneys as representing attorney for the
14 plaintiffs in the instant matter.

15
16 GLEN LERNER INJURY ATTORNEYS

17
18 By: /s/ Justin G. Randall
19 Justin G. Randall, Esq.
20 Nevada Bar No. 12476
21 4795 South Durango Drive
22 Las Vegas, Nevada 89147
23 Attorneys for Plaintiffs

24 **IT IS SO ORDERED:**

25 
26 **UNITED STATES DISTRICT JUDGE**

27 **DATED:** August 16, 2013.
28 ...

DECLARATION OF JUSTIN G. RANDALL IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

JUSTIN G. RANDALL, being first duly sworn deposes and states that:

1. I am an attorney licensed to practice law in the state of Nevada. I am competent to testify if called upon to do so.

2. I have personal knowledge of the facts stated herein and I am competent to testify thereto.

3. Plaintiffs retained Glen Lerner Injury Attorneys to represent them in this matter.

4. The Joint Status report in this matter is due 09/12/13; and a Status Conference has been set for 10/28/13 at 11:00 a.m., in the above-entitled Court.

5. Plaintiffs' interests will not be materially affected if withdrawal is granted.

6. Counsel feels that they have reached a substantial impasse in representing Plaintiffs. It is no longer feasible for the firm of Glen Lerner Injury Attorneys to continue representing Plaintiffs.

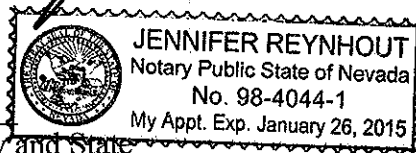
7. A copy of this Motion has been served upon all Plaintiffs at the addresses listed on the certificate of service. Plaintiffs may be served with notice of further proceedings at the addresses listed on the certificate of service.

DATED this 15th day of August, 2013.

Justin G. Randall, Esq.

SUBSCRIBED and SWORN to before me this 15 day of August, 2013.

NOTARY PUBLIC in and for said County and State



CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Civil Procedure 5(b), I hereby certify that on this 16 day of August, 2013, I caused the foregoing **Motion and Proposed Order to Withdraw as Counsel of Record for Plaintiffs and Declaration of Justin G. Randall in Support of Motion to Withdraw as Counsel** was served via the USDC's CM/ECF system, unless otherwise indicated, by depositing a true and correct copy in the United States Mail, postage prepaid, addressed as follows:

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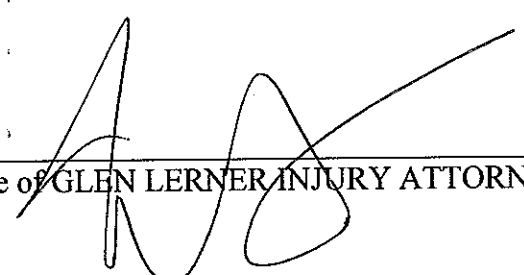
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Warner-Lambert Company, LLC
Defendant


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